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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. BANK NATIONAL ASSOCIATION, AS :
TRUSTEE FOR THE REGISTERED HOLDERS :
OF J.P. MORGAN CHASE COMMERCIAL :
MORTGAGE SECURITIES CORP., :
MULTIFAMILY MORTGAGE PASS-THROUGH: :
CERTIFICATES, SERIES 2018-SB47, :

Plaintiff, :

-v- :

2426 UNIVERSITY FUND, LLC, *et al.*, :

Defendants. :

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U.S. BANK NATIONAL ASSOCIATION, AS :
TRUSTEE FOR THE REGISTERED HOLDERS :
OF J.P. MORGAN CHASE COMMERCIAL :
MORTGAGE SECURITIES CORP., :
MULTIFAMILY MORTGAGE PASS-THROUGH: :
CERTIFICATES, SERIES 2018-SB47, :

Plaintiff, :

-v- :

2426 UNIVERSITY FUND, LLC, *et al.*, :

Defendants. :

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GREGORY H. WOODS, United States District Judge:

1:24-cv-4152-GHW

ORDER

1:24-cv-4166-GHW

On August 22, 2024, Plaintiff U.S. Bank National Association filed a proposed stipulation and order, attaching a proposed final judgment, labeled a “Consensual Final Judgment,” in each of the above-captioned two related cases. *U.S. Bank Nat’l Ass’n v. 2426 Univ. Fund, LLC*, Case No. 1:24-cv-4152-GHW (“*U.S. Bank P*”), Dkt. No. 43; *U.S. Bank Nat’l Ass’n v. 2426 Univ. Fund, LLC*,

Case No. 1:24-cv-4166-GHW (“*U.S. Bank II*”), Dkt. No. 46. The parties seek the Court’s entry of the proposed final judgments, which contain factual representations regarding the mortgage and related property and loan documents underlying these matters. The parties also ask the Court to order the terms of the parties’ agreements—such as the process by which the real property at issue in these cases is to be auctioned and sold—to settle these actions.

On September 3, 2024, the parties submitted a joint status report in each case, representing that the parties have reached a settlement in both cases and are awaiting the entry of a final judgment. *U.S. Bank I*, Dkt. No. 44; *U.S. Bank II*, Dkt. No. 47. The parties also request that the initial pretrial conference scheduled in the two matters and related deadlines be canceled, given the parties’ settlement.

The Court declines to enter the proposed final judgments at this time. The parties’ request for the Court to adopt and order the terms of their agreement is not supported by factual evidence—such as an affidavit—attesting to the truth of the contents, such as the amounts owed to Plaintiff.¹ The Court also notes that the proposed judgments also appear to be incomplete, as they contain blank spaces for what appears to be: (1) the means by which the parties’ designated referee must give public notice of the sale of real property at issue; and (2) the bank or other account in which the referee must deposit funds it receives. The parties have not indicated whether they expect the Court to fill in these blanks in the proposed judgments.

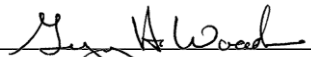
Accordingly, to the extent that Plaintiff would like the Court to adopt and enter the proposed final judgments, Plaintiff is directed to submit an affidavit attesting to the facts reflected in the proposed final judgments. The joint initial pretrial conference scheduled for September 12, 2024

¹ On August 19, 2024, the Court signed the parties’ proposed stipulation and order appointing a receiver. *U.S. Bank I*, Dkt. No. 42; *U.S. Bank II*, Dkt. No. 45. While the parties did not submit a letter and supporting materials with their submission, the Court was able to enter the proposed orders based on the earlier-filed motions to appoint a receiver and related submissions, *U.S. Bank I*, Dkt. Nos. 15–19; *U.S. Bank II*, Dkt. Nos. 15–19. No such supporting materials were provided for the August 22 submissions.

is canceled.

SO ORDERED.

Dated: September 6, 2024
New York, New York



GREGORY H. WOODS
United States District Judge